

# KAPLAN HECKER & FINK LLP

350 FIFTH AVENUE | 63<sup>RD</sup> FLOOR  
NEW YORK, NEW YORK 10118  
1050 K STREET NW | SUITE 1040  
WASHINGTON, DC 20001  
TEL (212) 763-0883 | FAX (212) 564-0883  
[WWW.KAPLANHECKER.COM](http://WWW.KAPLANHECKER.COM)  
DIRECT DIAL 212.763.0883  
DIRECT EMAIL [rkaplan@kaplanhecker.com](mailto:rkaplan@kaplanhecker.com)

March 23, 2023

**BY ECF**

The Honorable Lorna G. Schofield  
United States District Court for the Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, New York 10007

*Re: McKoy, et al. v. The Trump Corp., et al.*, No. 18 Civ. 9936

Dear Judge Schofield:

We write on behalf of Plaintiffs to follow up on Defendants' letter of today's date (ECF 546) concerning trial scheduling issues in this case and the case brought against Defendants by the New York Attorney General. *See People of the State of New York v. Donald J. Trump, et al.*, Index No. 452564/2022 (Sup. Ct. N.Y. Cnty.) (Engoron, J.) (the "NYAG case").

We refer Your Honor to page 8 of the enclosed transcript from the hearing held earlier this week in the NYAG case where Justice Engoron said the following:

Another troubling aspect of this case is the role of certain defendants' counsel in the Southern District of New York case captioned Catherine McKoy, M-c-K-O-Y, et al., versus the Trump Corporation, et al., and asking Judge Lorna G. Schofield to delay the trial of that case until early 2024, so as not to conflict with this case. Accordingly, she set a firm trial date of January 29, 2024. Some of the state counsel are now asking this Court to delay this Court -- this case, in particular, the trial thereof, until early 2024, which would conflict with a trial of that case, which would occasion time-consuming negotiations, and necessitate the further delay of one case or the other as defendants might hope, both, in a domino effect. One case delays the other which delays the next. Judges respect each other's prerogatives and disingenuously playing one judge against another is disrespectful and evinces bad faith.

Respectfully submitted,



Roberta A. Kaplan

cc: Counsel of Record (via ECF)

1 SUPREME COURT OF THE STATE OF NEW YORK  
2 COUNTY OF NEW YORK - CIVIL TERM - PART 37

3 -----X  
4 PEOPLE OF THE STATE OF NEW YORK,  
5 by LETITIA JAMES,  
6 Attorney General of the State of New York,

7 Plaintiff,

8 Index No.  
9 452564/22

10 DONALD J. TRUMP, DONALD TRUMP, JR.,  
11 ERIC TRUMP, IVANKA TRUMP, ALLEN  
WEISSELBERG, JEFFREY MCCONNEY,  
THE DONALD J. TRUMP ORGANIZATION, INC.,  
TRUMP ORGANIZATION LLC, DJT HOLDINGS  
LLC, DJT HOLDINGS MANAGING MEMBER,  
TRUMP ENDEAVOR 12 LLC, 401 NORTH  
WABASH VENTURE LLC, TRUMP OLD POST  
OFFICE LLC, 40 WALL STREET LLC, and  
SEVEN SPRINGS LLC,

12 Defendants.

13 Motion -----X  
14 New York, New York  
15 March 21, 2023

16 B E F O R E:

17 HONORABLE ARTHUR ENGORON,

18 JUSTICE.

19 A P P E A R A N C E S:

20 STATE OF NEW YORK  
21 OFFICE OF THE ATTORNEY GENERAL  
LETITIA JAMES  
ATTORNEYS FOR THE PLAINTIFF  
22 28 LIBERTY STREET  
NEW YORK, NEW YORK 10005  
23 BY: KEVIN WALLACE, ESQ.,  
ANDREW AMER, ESQ.,  
COLLEEN FAHERTY, ESQ.,  
LOUIS M. SOLOMON, ESQ.,

24  
25 CONTINUED:

Vincent J Palombo

1 APPEARANCES CONTINUED:

2 HABBA MADAIO & ASSOCIATES, LLP  
3 ATTORNEYS FOR DEFENDANT DONALD J. TRUMP  
4 AND THE TRUMP ENTITIES  
5 1430 US HIGHWAY 206  
6 BEDMINSTER, NEW JERSEY 07921  
7 BY: ALINA HABBA, ESQ.,  
8 ARMEN MORIAN, ESQ.,

9 ROBERT & ROBERT, PLLC  
10 ATTORNEYS FOR DEFENDANTS  
11 DONALD TRUMP, JR., AND ERIC TRUMP  
12 526 RXR PLAZA  
13 UNIONDALE, NEW YORK 11556  
14 BY: CLIFFORD ROBERT, ESQ.,

15 KELLOGG HANSEN TODD FIGEL & FREDERICK, PLLC  
16 ATTORNEYS FOR DEFENDANT IVANKA TRUMP  
17 1615 M STREET NW  
18 WASHINGTON, DC 20036  
19 BY: REID FIGEL, ESQ.,

20 CONTINENTAL, PLLC  
21 ATTORNEYS FOR DEFENDANTS DONALD J. TRUMP  
22 REVOCABLE TRUST, DJT HOLDINGS LLC, DJT  
23 HOLDINGS MANAGING MEMBER LLC, TRUMP  
24 ENDEAVOR 12 LLC, 401 NORTH WABASH VENTURE LLC,  
25 TRUMP OLD POST OFFICE LLC, 40 WALL STREET LLC  
and SEVEN SPRINGS LLC  
101 NORTH MONROE STREET  
TALLAHASSEE, FLORIDA 32301  
BY: CHRISTOPHER M. KISE, ESQ.,

VINCENT J PALOMBO  
OFFICIAL COURT REPORTER

22 \*

\*

\*

**Proceedings**

8

1                  Another troubling aspect of this case is the role  
2 of certain defendants' counsel in the Southern District of  
3 New York case captioned Catherine McKoy, M-c-K-O-Y, et al.,  
4 versus the Trump Corporation, et al., and asking Judge Lorna  
5 G. Schofield to delay the trial of that case until early  
6 2024, so as not to conflict with this case.

7                  Accordingly, she set a firm trial date of  
8 January 29, 2024.

9                  Some of the state counsel are now asking this Court  
10 to delay this Court -- this case, in particular, the trial  
11 thereof, until early 2024, which would conflict with a trial  
12 of that case, which would occasion time-consuming  
13 negotiations, and necessitate the further delay of one case  
14 or the other as defendants might hope, both, in a domino  
15 effect. One case delays the other which delays the next.

16                  Judges respect each other's prerogatives and  
17 disingenuously playing one judge against another is  
18 disrespectful and evinces bad faith.

19                  The final troubling aspect has three related parts.  
20 First, according to plaintiff, defendants are subpoenaing  
21 third parties and asking whether these third parties are  
22 aware of other investigations of defendants. The harm that  
23 this could cause is fairly self-evident. Targets of  
24 investigations could be tipped off prematurely and unfairly.

25                  Second, the subject matter of these questions would